

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

BLUM'S FURNITURE COMPANY,	§	
Plaintiff,	§	
	§	
v.	§	CIVIL ACTION NO. H-09-3479
	§	
CERTAIN UNDERWRITERS AT	§	
LLOYDS LONDON,	§	
Defendant.	§	

MEMORANDUM AND ORDER

This case is before the Court on the Motion to Remand [Doc. # 5] filed by Plaintiff Blum's Furniture Company, Inc. ("Blum's"), to which Defendant Certain Underwriters at Lloyds London ("Lloyds") filed a Response [Doc. # 6]. Plaintiff neither filed a reply nor requested additional time to do so. The Court **denies** the Motion to Remand.


Plaintiff filed this lawsuit in Texas state court on September 4, 2009. The Original Petition and the citation were served on the Texas Department of Insurance, Lloyds statutory agent, on September 23, 2009. The Original Petition and citation were forwarded by the statutory agent on October 6, 2009, and were received by Lloyds on October 9, 2009. Lloyds filed its Notice of Removal on October 27, 2009.

A notice of removal to federal court must be filed within thirty (30) days after the defendant receives the original complaint. *See* 28 U.S.C. § 1446(b). “When service is effected on a statutory agent, the removal period begins when the defendant actually receives the process, not when the statutory agent receives process.” *Monterey Mushrooms, Inc. v. Hall*, 14 F. Supp. 2d 988, 991 (S.D. Tex. 1998) (Lake, J); *see also Barrackman v. Banister*, 2007 WL 189378, *1 (S.D. Tex. Jan. 22, 2007) (Rosenthal, J).

In this case, the Notice of Removal was filed on October 27, 2009, fewer than thirty days after Lloyds received the citation and Original Petition on October 9, 2009. As a result, removal was timely pursuant to § 1446(b), and it is hereby

ORDERED that Plaintiff’s Motion to Remand [Doc. # 5] is **DENIED**.

SIGNED at Houston, Texas, this 16th day of **December, 2009**.



Nancy F. Atlas
United States District Judge